

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
BECKLEY DIVISION**

**MICHAEL D. ROSE and** )  
**EDWARD L. HARMON, on their own** )  
**behalf and on behalf of all others** )  
**similarly situated,** )

**Plaintiffs,** )

**v.** )

**Civil Action No. 5:22-cv-00405**  
**(Judge Volk)**

**BETSY JIVIDEN, individually as an** )  
**employee of the West Virginia Division of** )  
**Corrections and Rehabilitation,** )  
**MICHAEL FRANCIS, individually as an** )  
**employee of the West Virginia Division of** )  
**Corrections and Rehabilitation,** )  
**LARRY WARDEN, individually as an** )  
**employee of the West Virginia Division of** )  
**Corrections and Rehabilitation,** )  
**BRAD DOUGLAS, individually and in** )  
**his official capacity as the acting** )  
**Commissioner of the West Virginia** )  
**Division of Corrections and** )  
**Rehabilitation,** )  
**JEFF S. SANDY, individually and in his** )  
**official capacity as the Cabinet Secretary** )  
**of the West Virginia Department of** )  
**Homeland Security,** )  
**The RALEIGH COUNTY** )  
**COMMISSION,** )  
**JOHN/JANE DOE EMPLOYEES OF** )  
**THE RALEIGH COUNTY** )  
**COMMISSION,** )  
**The FAYETTE COUNTY** )  
**COMMISSION,** )  
**JOHN/JANE DOE EMPLOYEES OF** )  
**THE FAYETTE COUNTY** )  
**COMMISSION,** )  
**The GREENBRIER COUNTY** )  
**COMMISSION,** )  
**JOHN/JANE DOE EMPLOYEES OF** )  
**THE GREENBRIER COUNTY** )  
**COMMISSION,** )

**COME NOW**, Plaintiffs, by the undersigned counsel, and pursuant to Fed. R. Civ. P. 15(a)(2), hereby move this Honorable Court for leave to amend the Amended Complaint to add an additional claim and to name an additional subclass representative Plaintiff. In further support of their Motion, Plaintiffs incorporate herein by reference the Memorandum of Law filed contemporaneously herewith.

**MICHAEL D. ROSE and EDWARD L.  
HARMON, on their own behalf and on  
behalf of all those similarly situated,  
By Counsel**

*/s/ Russell A. Williams*

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**CERTIFICATE OF SERVICE**

The undersigned counsel for Plaintiff hereby certifies that a true and correct copy of the foregoing *MOTION FOR LEAVE TO AMEND THE COMPLAINT* was filed with the clerk on November 18, 2022 via the Court's CM-ECF Filing System which will provide electronic notification to all counsel of record.

/s/ Russell A. Williams

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